

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

BCWD – Sanction of Tuition Fee Reimbursement to the petitioners who were admitted under B-category of MBBS/BDS courses during the year 2008-09 as per the judgment of High Court of A.P., Hyderabad and other students who were endorsed by the Convener/NTR University of Health Sciences authorities on their letters of allotment to the effect fee exempted – Permission Accorded to meet the expenditure for the years 2008-09, 2009-10 and 2010-11 with in the B.E. of 2010-11 – Orders – Issued.

BACKWARD CLASSES WELFARE (B2) DEPARTMENT

G.O.Rt.No.222.

Dated:26-06-2010.

Read the following:-

1. G.O.Ms.No.18, BC Welfare (B2) Dept., dt.27.06.2008.
2. G.O.Ms.No.50, BC Welfare (B2) Dept., dt.26.08.2008.
3. Representation received from the President, A.P., B.C. Welfare Association, Dated.27.04.2010 and 05.05.2010.
4. HC of A.P., Hyderabad, judgment dated.13.11.2009 in W.P.Nos. 10221, 10398, 11232, 11286, 11352, 11461, 11997, 12091, 12163, 12801, 13943, 14510, 15861, 17992, 17998, 18863, 19187, 19191 and 21756 of 2009

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O R D E R:

Government have issued orders for sanction of Post Matric Scholarships, Reimbursement of Tuition Fee and Special Fee to eligible B.C. Students from the year 2008-09 onwards on saturation basis on par with Social Welfare Department for category-A (Convener Quota) students only and prescribed certain guidelines vide reference 1st read above and its Subsequent Amendment Orders issued vide reference 2nd read above. The B-category students of Medical and Dental courses are not eligible as per the above orders.

2. However, at the time of Admission/Counseling into MBBS / BDS courses for the year 2008-09, the officials of NTR University of Health Sciences have informed the students, that who were admitted under 'B' category also need not pay the Tuition Fee, as they are exempted from payment in terms of G.O.Ms.No.18, BCW(B2) Dept., dt.27.06.2008, and accordingly, they made an endorsement on their letters of allotment to the effect "Fee Exempted". Accordingly, the students were admitted into various colleges in MBBS / BDS courses under 'B' category. In the middle of the course, the authorities of respective colleges have asked the students to pay the tuition fee, as the Government is not sanctioning tuition fee as per the orders issued vide G.O.MS.No.18, BCW(B2) Dept., dt.27.06.2008, otherwise they will not permit the students to attend the classes and will not permit them to write the 1st year examinations.

3. Hence, the students, who were admitted under 'B' category have filed several Writ Petitions with a request to declare the action of the respondents in not allowing them to attend the classes by insisting on payment of Tuition Fee is contrary to the admission letter and the Government orders as bad, arbitrary, illegal and violation of principles of natural justice and consequently direct the respondents not to insist either orally or in writing the petitioners to pay any amount towards Tuition Fee for their MBBS / BDS courses.

4. The Hon'ble High Court of A.P., Hyderabad in its judgment vide reference 4th read above has observed that, as per the Admission Rules, 50% of the total seats, which are called 'A' category seats, are competent authority seats, while 20% of the total seats, which are called 'B' category seats, are "EAMCET Ranking Based Management Seats", and while the rest of the seats, which constitute 30% which are called 'C' category seats, are "Management Seats". Given the fact, that 'B' category seats are not purely Competent Authority Seats, but are EAMCET Ranking Based Management Seats, and having regard to the fact that the orders issued by the Government in G.O.Ms.No.18, BCW(B2) Dept., dt.27.06.2008, clearly state that the benefit of Tuition Fee Reimbursement is applicable only to 'A' category Competent Authority Seats, the petitioners are not entitled to the benefit of G.O.Ms.No.18, BCW(B2) Dept., dt.27.06.2008 and therefore, the University Authorities were not justified in informing the petitioners that they are exempted from paying the fee and or entitled to the benefit of G.O.Ms.No.18, dt.27.06.2008.

5. The High Court of A.P. Hyderabad has finally pronounced its judgment and the operating part of Judgment is extracted below:-

"Since in the admission of the petitioners against 'B'-category seats, neither the petitioners nor the unaided private college managements are at fault, and the University, as representative of the Government while discharging its obligations of making admissions under the provisions of the Capitation Fee Act, at the time of admitting the petitioners against 'B'-category seats, informed that they are exempted from paying the fee, the High Court of A.P., Hyderabad, is of the considered opinion that for the acts and misdeeds, if any committed by the University in the discharge of its obligations under the provisions of the Capitation Fee Act, the Government should take the responsibility of reimbursing the fee to the petitioners, who were admitted against 'B'-category seats. Hence, there shall be directions to the Government to reimburse the tuition fee in respect of the petitioners who were admitted into MBBS/BDS courses against 'B'-category."

6. Government, in view of the judgment pronounced by the High Court of A.P., Hyderabad, have agreed to sanction the Tuition Fee Reimbursement for the petitioners who had filed above Writ Petitions and also to the other B.C. students of B-category of MBBS/BDS courses, who were endorsed by the Convener/University Authorities on their letters of allotment to the effect "Fee Exempted" during the year 2008-09 i.e. 2008-09 batch only.

7. 274 'B' Category candidates (146 Medical + 128 Dental) were admitted under Fee exemption during 2008-09 Academic Year in Medical and Dental Courses and the total cost would be Rs.4.33 Crores per annum and for five years it would be Rs.21.60 Crores.

8. Government, therefore hereby accord permission to reimburse the tuition fee to 274 B-category B.C. Students of Medical and Dental Courses i.e. 127 Petitioners covered by 19 Writ Petitions as per the orders of High Court of A.P., Hyderabad in the reference 4th read above plus the other 147 B-category B.C. Students, who were endorsed by the Convener/University Authorities on their letters of allotment to the effect that the fee is exempted at the time of admission / counseling into MBBS/BDS courses for the year 2008-09 i.e. 2008-09 batch only, and also accord permission to meet the expenditure in this regard for the years 2008-09, 2009-10 and 2010-11 of that batch alone from the B.E. 2010-11 under Tuition Fee Reimbursement.

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9. The above orders are restricted to 2008-09 batch only and it shall not be a precedent to claim Tuition Fee Reimbursement for any other batch/batches.

10. The Director, BC Welfare, A.P., Hyderabad shall take necessary action accordingly.

11. This order issues with the concurrence of Finance (ESW) Dept., vide their U.O.No.8466/171/A2/ESW/2010, dated.25-06-2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**DR. A.VIDYA SAGAR
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Director, B.C. Welfare, A.P., Hyderabad.

The Chairman of Committee of Admission,

NTR University of Health Sciences, Vijayawada.

The Registrar, NTR University of Health Sciences, Vijayawada.

The EAMCET Convener -2008-09, JNTU, Kukatpally, Hyderabad.

The Accountant General, A.P., Hyderabad.

The Director, Treasuries and Accounts, A.P., Hyderabad.

The Pay and Accounts Officer, A.P., Hyderabad.

Copy to

All the District Collectors/District B.C. Welfare Officers through

Director, B.C. Welfare.

The Prl. Secretary to C.M.

OSD to M(BCW).

The Higher Education Dept., A.P., Secretariat, Hyderabad.

The Health Medical and Family Welfare Dept.A.P., Sectt., Hyd.

The President, A.P., B.C. Welfare Association, Hyderabad.

The Advocate General, HC of A.P., Hyderabad.

The GP for Social Welfare, HC of A.P., Hyderabad.

The Finance (ESW) Dept., A.P., Secretariat, Hyderabad.

SF/SCS.

//FORWARDED BY ORDER//

SECTION OFFICER